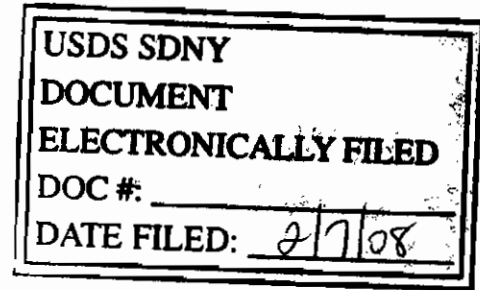


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



\_\_\_\_\_  
ALEX ALHOVSKY,

Plaintiff,

-against-

07 Civ. 7628 (CM)

THOMAS RYAN et al.,

Defendants.  
\_\_\_\_\_

ORDER

McMahon, J.:

The court has been notified of continuing difficulty in completing the deposition of the plaintiff so that the individual defendants can complete the briefing on their qualified immunity motion. Mr. Alhovsky was unable to complete his deposition at either of two sessions. Counsel agreed on a procedure for finishing the deposition by written interrogatories. Plaintiff has now apparently directed his attorney not to forward his answers to the interrogatories to Corporation Counsel. This morning, in a telephone conference with all counsel, the court was told that Mr. Alhovsky has forwarded incomprehensible responses to the interrogatories directly to Corporation Counsel, without going through his attorney. Mr. Erlanger, understandably, has asked to be relieved.

The plaintiff, Alex Alhovsky, must appear (along with counsel for both sides) at a pre trial conference on Friday, February 15, at noon. The conference will be held in Courtroom 21-B at the Moynihan Courthouse, 500 Pearl Street, New York, New York, 10007. At that time, Mr. Alhovsky should either be prepared to show cause why his attorney should not be relieved as counsel or should consent to Mr. Erlanger's discharge. If Mr. Erlanger is relieved as counsel, Mr. Alhovsky will be asked whether he wishes to proceed pro se or to retain new counsel. If the latter, he will be given until April 4 for new counsel to appear. Any appearance will have to be accompanied by responses to the interrogatories that are signed by an attorney, and that are in a form that will be comprehensible to the court and opposing counsel. If no attorney appears on or before April 4, then by April 8, Mr. Alhovsky must serve short, plain and direct responses to the interrogatories on Corporation Counsel. If neither of these things occurs, the case will be dismissed for failure to comply with the court's order. If Corporation Counsel receives interrogatory answers from new counsel by April 4 or from plaintiff by April 8, the individual defendants will have twenty business days to finalize the briefing on the qualified immunity motion. Plaintiff will then have twenty business days to respond to the motion, and Corporation

Copies mailed / faxed/handed to counsel on 2/7/08

Counsel will have five business days for Reply. All parties are reminded that courtesy copies will have to be delivered to chambers.

Dated: February 6, 2008

  
\_\_\_\_\_  
U.S.D.J.

BY FIRST CLASS MAIL TO

Mr. Alex Alhovsky  
402 East 65<sup>th</sup> Street  
New York, NY 10065

BY ECF TO ALL COUNSEL